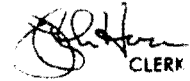


UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

FILED

MAR 27 2014


CLERK

LARRY DEAN COCHRUN,

Petitioner,

vs.

BOB DOOLEY, Warden,

Respondent.

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CIV 13-4106

ORDER

The Report and Recommendation of Judge Simko and the Objections of Petitioner Cochrun and the remainder of this file have been reviewed de novo by this Court.

There is no jurisdiction in this Court to grant relief for these claims even if there was merit to the claims of Petitioner. The lack of jurisdiction for these claims in this Court is correctly set forth in the Report and Recommendation and the Report and Recommendation is incorporated into this Order of this Court.

Petitioner claims actual innocence on his prior conviction for rape. Even if there were jurisdiction to consider that claim on a sentence already fully served, no even colorable claim of actual innocence has been raised.

Petitioner's Objections are denied and the case is dismissed with prejudice. There is no basis for certifying any issue for appeal from this decision.

Accordingly,

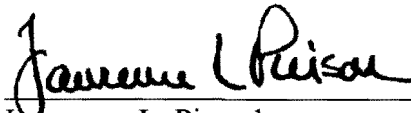
IT IS ORDERED:

1. That Petitioner Cochrun's Objections, Doc. 4, to the Report and Recommendation are DENIED, and the Report and Recommendation, Doc. 3, is ADOPTED and Petitioner's § 2254 Petition for Writ of Habeas Corpus, Doc. 1, is dismissed with prejudice.

2. That a Certificate of Appealability shall not issue.
3. That Petitioner's Motion to Proceed in forma pauperis, Doc. 6, is granted, and Petitioner's \$5.00 filing fee has already been paid to the Clerk of Courts.

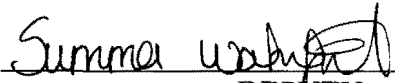
Dated this 27th day of March, 2014.

BY THE COURT:



Lawrence L. Piersol
United States District Judge

ATTEST:
JOSEPH HAAS, CLERK

BY: 
DEPUTY